

DEPARTMENT OF COMMERCE**Office of the Secretary 13 CFR****Ch. III****15 CFR Subtitle A; Subtitle B, Chs. I, II, III, VII, VIII, IX, and XI 19 CFR Ch. III****37 CFR Chs. I, IV, and V****48 CFR Ch. 13****50 CFR Chs. II, III, IV, and VI****Spring 2022 Semiannual Agenda of Regulations**

AGENCY: Office of the Secretary, Commerce.

ACTION: Semiannual regulatory agenda.

SUMMARY: In compliance with Executive Order 12866, entitled “Regulatory Planning and Review,” and the Regulatory Flexibility Act, as amended, the Department of Commerce (Commerce), in the spring and fall of each year, publishes in the **Federal Register** an agenda of regulations under development or review over the next 12 months. Rulemaking actions are grouped according to pre-rulemaking, proposed rules, final rules, long-term actions, and rulemaking actions completed since the fall 2021 agenda. The purpose of the Agenda is to provide information to the public on regulations that are currently under review, being proposed, or recently issued by Commerce. It is expected that this information will enable the public to participate more effectively in the Department’s regulatory process.

Commerce’s spring 2022 regulatory agenda includes regulatory activities that are expected to be conducted during the period June 1, 2022, through May 31, 2023.

FOR FURTHER INFORMATION CONTACT:

Specific: For additional information about specific regulatory actions listed in the agenda, contact the individual identified as the contact person.

General: Comments or inquiries of a general nature about the agenda should be directed to Asha Mathew, Chief Counsel for Regulation, Office of the Assistant General Counsel for Legislation and Regulation, U.S. Department of Commerce, Washington, DC 20230, telephone: 202–482–3151.

SUPPLEMENTARY INFORMATION: Commerce hereby publishes its spring 2022 Unified Agenda of Federal Regulatory and Deregulatory Actions pursuant to Executive Order 12866 and the

Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* Executive Order 12866 requires agencies to publish an agenda of those regulations that are under consideration. By memorandum of August 16, 2021, the Office of Management and Budget issued guidelines and procedures for the preparation and publication of the spring 2022 Unified Agenda. The Regulatory Flexibility Act requires agencies to publish, in the spring and fall of each year, a regulatory flexibility agenda that contains a brief description of the subject of any rule likely to have a significant economic impact on a substantial number of small entities.

The internet is the basic means for disseminating the Unified Agenda. The complete Unified Agenda is available online at www.reginfo.gov, in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

In this edition of Commerce’s regulatory agenda, a list of the most important significant regulatory and deregulatory actions and a Statement of Regulatory Priorities are included in the Regulatory Plan, which appears in both the online Unified Agenda and in part II of the issue of the **Federal Register** that includes the Unified Agenda.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act, Commerce’s printed agenda entries include only:

(1) Rules that are in the Agency’s regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act’s Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the internet. In addition, for fall editions of the Agenda, Commerce’s entire Regulatory Plan will continue to be printed in the **Federal Register**.

Within Commerce, the Office of the Secretary and various operating units may issue regulations. Among these operating units, the National Oceanic and Atmospheric Administration (NOAA), the Bureau of Industry and Security, and the Patent and Trademark Office issue the greatest share of Commerce’s regulations.

A large number of regulatory actions reported in the Agenda deal with fishery management programs of NOAA’s National Marine Fisheries Service (NMFS). To avoid repetition of programs and definitions, as well as to provide some understanding of the technical and institutional elements of NMFS’ programs, an “Explanation of Information Contained in NMFS Regulatory Entries” is provided below.

Explanation of Information Contained in NMFS Regulatory Entries

The Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) (the Act) governs the management of fisheries within the Exclusive Economic Zone of the United States (EEZ). The EEZ refers to those waters from the outer edge of the State boundaries, generally 3 nautical miles, to a distance of 200 nautical miles. For fisheries that require conservation and management measures, eight Regional Fishery Management Councils (Councils) prepare and submit to NMFS Fishery Management Plans (FMPs) for the fisheries within their respective areas in the EEZ. Membership of these Councils is comprised of representatives of the commercial and recreational fishing sectors in addition to environmental, academic, and government interests. Council members are nominated by the governors and ultimately appointed by the Secretary of Commerce. The Councils are required by law to conduct public hearings on the development of FMPs and FMP amendments. Consistent with applicable law, environmental and other analyses are developed that consider alternatives to proposed actions.

Pursuant to the Magnuson-Stevens Act, the Councils also recommend actions to NMFS deemed necessary or appropriate to implement FMPs. The proposed regulations, FMPs, and FMP amendments are subject to review and approval by NMFS, based on consistency with the Magnuson-Stevens Act and other applicable law. The Council process for developing FMPs and amendments makes it difficult for NMFS to determine the significance and timing of some regulatory actions under consideration by the Councils at the time the semiannual regulatory agenda is published.

Commerce’s Spring 2022 regulatory agenda follows.

Leslie Kiernan,
General Counsel.

GENERAL ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
31	Securing the Information and Communications Technology and Services Supply Chain: Licensing Procedures.	0605-AA60

GENERAL ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
32	Concrete Masonry Products Research, Education, and Promotion	0605-AA53

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
33	Comprehensive Fishery Management Plan for Puerto Rico, Comprehensive Fishery Management Plan for St. Croix, Comprehensive Fishery Management Plan for St. Thomas/St. John.	0648-BD32
34	International Fisheries; South Pacific Tuna Fisheries; Implementation of Amendments to the South Pacific Tuna Treaty.	0648-BG04
35	Illegal, Unreported, and Unregulated Fishing; Fisheries Enforcement; High Seas Driftnet Fishing Moratorium Protection Act.	0648-BG11
36	Atlantic Highly Migratory Species; Research and Data Collection in Support of Spatial Fisheries Management.	0648-BI10
37	Implementation of Resolutions C-21-04 and C-21-06 of the Inter-American Tropical Tuna Commission for Tropical Tuna and Silky Shark Conservation.	0648-BK84
38	Amendment 122 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area; Pacific Cod Trawl Cooperative Program.	0648-BL08
39	Amendment 123 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area; Halibut Abundance-Based Management of Amendment 80 Prohibited Species Catch Limit.	0648-BL42
40	Amendments to the North Atlantic Right Whale Vessel Strike Reduction Rule	0648-BI88
41	Designation of Critical Habitat for Threatened Indo-Pacific Reef-Building Corals	0648-BJ52

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
42	Regulatory Amendment to the Pacific Coast Groundfish Fishery Management Plan to Implement an Electronic Monitoring Program for Bottom Trawl and Non-Whiting Midwater Trawl Vessels.	0648-BH70
43	Magnuson-Stevens Fisheries Conservation and Management Act; Traceability Information Program for Seafood.	0648-BH87
44	Atlantic Highly Migratory Species: Amendment 13 on Bluefin Tuna Management	0648-BI08
45	Establish National Insurance Requirements for Observer Providers	0648-BJ33
46	Amendment 23 to the Northeast Multispecies Fishery Management Plan	0648-BK17
47	Amendment 14 to the Fishery Management Plan for the Salmon Fisheries in the EEZ Off Alaska	0648-BK31
48	Framework Adjustment 63 to the Northeast Multispecies Fishery Management Plan	0648-BL12
49	Atlantic Highly Migratory Species; Rule to Modify the Retention Limit of Shortfin Mako Sharks	0648-BL17
50	Amendment and Updates to the Pelagic Longline Take Reduction Plan	0648-BF90
51	Designation of Critical Habitat for the Threatened Caribbean Corals	0648-BG26
52	Atlantic Large Whale Take Reduction Plan Modifications to Reduce Serious Injury and Mortality of Large Whales in Commercial Trap/Pot Fisheries Along the U.S. East Coast.	0648-BJ09
53	Establishment of Time-Area Closures for Hawaiian Spinner Dolphins Under the Marine Mammal Protection Act.	0648-BK04

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
54	International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Treatment of U.S. Purse Seine Fishing With Respect to U.S. Territories.	0648-BF41

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
55	Implementation of a Program for Transshipments by Large Scale Fishing Vessels in the Eastern Pacific Ocean.	0648–BD59
56	Generic Amendment to the Fishery Management Plans for the Reef Fish Resources of the Gulf of Mexico and Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region.	0648–BH72
57	Bluefish Allocation and Rebuilding Amendment (Amendment 7 to the Bluefish Fishery Management Plan)	0648–BK64
58	Silky Shark Regulations in the Eastern Pacific Ocean in 2022 and Beyond	0648–BK87
59	International Fisheries; Pacific Tuna Fisheries; Purse Seine Observer Exemptions in the Eastern Pacific Ocean.	0648–BK88
60	Atlantic Highly Migratory Species; Rule to Modify Atlantic Bluefin Tuna and North Atlantic Albacore Quotas.	0648–BL16
61	Rulemaking to Modify the 2022 Halibut Individual Fishing Quota (IFQ) Vessel Harvest Limitations in IFQ Regulatory Areas 4A, 4B, 4C, and 4D.	0648–BL28
62	Designation of Critical Habitat for the Arctic Ringed Seal	0648–BC56
63	Designation of Critical Habitat for the Beringia Distinct Population Segment of the Bearded Seal	0648–BJ65
64	Monterey Bay National Marine Sanctuary Regulations and Management Plan	0648–BI01

PATENT AND TRADEMARK OFFICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
65	Changes To Implement Provisions of the Trademark Modernization Act of 2020	0651–AD55

DEPARTMENT OF COMMERCE (DOC)

General Administration (ADMIN)

Proposed Rule Stage

31. Securing the Information and Communications Technology and Services Supply Chain: Licensing Procedures [0605–AA60]

Legal Authority: Not Yet Determined

Abstract: The Department is seeking public input regarding establishing a licensing process for entities to seek pre-approval before engaging in or continuing to engage in potentially regulated ICTS Transactions under the “Securing the Information and Communications Technology and Services Supply Chain” rule.

Timetable:

Action	Date	FR Cite
ANPRM	03/29/21	86 FR 16312
ANPRM Comment Period End.	04/28/21	
NPRM	07/00/22	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Joe Bartles, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, Phone: 202 482–3084, Email: jbartles@doc.gov.

RIN: 0605–AA60

DEPARTMENT OF COMMERCE (DOC)

General Administration (ADMIN)

Completed Actions

32. Concrete Masonry Products Research, Education, and Promotion [0605–AA53]

Legal Authority: 15 U.S.C. 8701 *et seq.*

Abstract: The Concrete Masonry Products Research, Education, and Promotion Act of 2018 (Act) (15 U.S.C. 8701 *et seq.*) authorizes the establishment of an orderly program for a program of research, education, and promotion, including funds for marketing and market research activities, that is designed to promote the use of concrete masonry products in construction and building (a checkoff program). The Act allows industry to submit a proposed order establishing such a program. If the Secretary determines that such a proposed order is consistent with and will effectuate the purpose of the Act, the Secretary is directed to publish the proposed order in the **Federal Register** not later than 90 days after receiving the order.

Timetable:

Action	Date	FR Cite
NPRM	08/24/20	85 FR 52059
NPRM Comment Period End.	10/08/20	
Final Action	09/15/21	86 FR 51456
Final Action Effective.	11/29/21	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Asha Mathew, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, Phone: 202 306–0487, Email: amathew@doc.gov.
RIN: 0605–AA53

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Proposed Rule Stage

National Marine Fisheries Service

33. Comprehensive Fishery Management Plan for Puerto Rico, Comprehensive Fishery Management Plan for St. Croix, Comprehensive Fishery Management Plan for St. Thomas/St. John [0648–BD32]

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: In response to a recommendation of the Caribbean Fishery Management Council, this action would establish three new Fishery Management Plans (FMPs) (Puerto Rico FMP, St. Thomas/St. John FMP and St. Croix FMP) and repeal and replace the existing U.S. Caribbean-wide FMPs (the FMP for the Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands (USVI), the FMP for the Spiny Lobster Fishery of Puerto Rico and the USVI, the FMP for Queen Conch Resources of Puerto Rico and the USVI, and the FMP for the Corals and Reef Associated Plants and Invertebrates of Puerto Rico and the USVI). For each of the Puerto Rico, St. Thomas/St. John,

and St. Croix FMPs, the action would also modify the composition of the stocks to be managed; organize those stocks for effective management; establish status determination criteria, management reference points, and accountability measures for managed stocks; identify essential fish habitat for stocks new to management; and establish framework measures.

Timetable:

Action	Date	FR Cite
Notice of Availability.	06/26/20	85 FR 38350
Comment Period End.	08/25/20	
NPRM	05/19/22	87 FR 30730
NPRM Comment Period End.	06/21/22	
Final Action	08/00/22.	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Andrew J. Strelcheck, Acting Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824-5305, *Email:* andy.strelcheck@noaa.gov.

RIN: 0648-BD32

34. International Fisheries; South Pacific Tuna Fisheries; Implementation of Amendments to the South Pacific Tuna Treaty [0648-BG04]

Legal Authority: 16 U.S.C. 973 *et seq.*

Abstract: Under authority of the South Pacific Tuna Act of 1988, this rule would implement recent amendments to the Treaty on Fisheries between the Governments of Certain Pacific Island States and the Government of the United States of America (also known as the South Pacific Tuna Treaty). The rule would include modification to the procedures used to request licenses for U.S. vessels in the western and central Pacific Ocean purse seine fishery, including changing the annual licensing period from June-to-June to the calendar year, and modifications to existing reporting requirements for purse seine vessels fishing in the western and central Pacific Ocean. The rule would implement only those aspects of the Treaty amendments that can be implemented under the existing South Pacific Tuna Act.

Timetable:

Action	Date	FR Cite
NPRM	06/00/22.	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Tosatto, Regional Administrator, Pacific Islands Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1845 Wasp Boulevard, Building 176, Honolulu, HI 96818, *Phone:* 808 725-5000, *Email:* michael.tosatto@noaa.gov.

RIN: 0648-BG04

35. Illegal, Unreported, and Unregulated Fishing; Fisheries Enforcement; High Seas Driftnet Fishing Moratorium Protection Act [0648-BG11]

Legal Authority: Pub. L. 114-81

Abstract: This proposed rule would make conforming amendments to regulations implementing the various statutes amended by the Illegal, Unreported and Unregulated Fishing Enforcement Act of 2015 (Pub. L. 114-81). The Act amends several regional fishery management organization implementing statutes as well as the High Seas Driftnet Fishing Moratorium Protection Act. It also provides authority to implement two new international agreements under the Antigua Convention, which amends the Convention for the establishment of an Inter-American Tropical Tuna Commission, and the United Nations Food and Agriculture Organization Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing (Port State Measures Agreement), which restricts the entry into U.S. ports by foreign fishing vessels that are known to be or are suspected of engaging in illegal, unreported, and unregulated fishing. This proposed rule would also implement the Port State Measures Agreement. To that end, this proposed rule would require the collection of certain information from foreign fishing vessels requesting permission to use U.S. ports. It also includes procedures to designate and publicize the ports to which foreign fishing vessels may seek entry and procedures for conducting inspections of these foreign vessels accessing U.S. ports. Further, the rule would establish procedures for notification of: the denial of port entry or port services for a foreign vessel, the withdrawal of the denial of port services if applicable, the taking of enforcement action with respect to a foreign vessel, or the results of any inspection of a foreign vessel to the flag nation of the vessel and other competent authorities as appropriate.

Timetable:

Action	Date	FR Cite
NPRM	06/00/22	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alexa Cole, Director, Office of International Affairs and Seafood Inspection, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427-8286, *Email:* alexa.cole@noaa.gov.

RIN: 0648-BG11

36. Atlantic Highly Migratory Species; Research and Data Collection in Support of Spatial Fisheries Management [0648-BI10]

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: This rulemaking would address conducting research in areas currently closed to fishing for Atlantic highly migratory species (HMS)—during various times or by certain gear—to collect fishery-dependent data. A number of time/area closures or gear-restricted areas have been implemented over the years through various rulemakings, limiting fishing for Atlantic highly migratory species in those areas for a variety of reasons including reducing bycatch. These time/area closures have been implemented in consultation with the HMS Advisory Panel to protect species consistent with the Magnuson-Stevens Fisheries Conservation and Management Act (*e.g.*, to reduce bycatch in the pelagic longline fishery off the east coast of Florida), the Endangered Species Act (*e.g.*, to protect sea turtles in the North Atlantic), and the Atlantic Tunas Convention Act (*e.g.*, to protect spawning bluefin tuna in the Gulf of Mexico). Fishery-dependent data supports effective fisheries management, and areas that restrict fishing effort often have a commensurate decrease in fishery-dependent data collection. Programs to facilitate research and data collection, such as those that would be covered by this rulemaking, could assess the efficacy of closed areas, improve sustainable management of highly migratory species, and may provide benefits to commercial and recreational fishermen.

Timetable:

Action	Date	FR Cite
NPRM	12/00/22	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kelly Denit, Director, Office of Sustainable Fisheries,

Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20901, *Phone*: 301 427-8500, *Email*: *kelly.denit@noaa.gov*, *RIN*: 0648-BI10

37. Implementation of Resolutions C-21-04 and C-21-06 of the Inter-American Tropical Tuna Commission for Tropical Tuna and Silky Shark Conservation [0648-BK84]

Legal Authority: 16 U.S.C. 951; 16 U.S.C. 952; 16 U.S.C. 953; 16 U.S.C. 954;

Abstract: The Inter-American Tropical Tuna Commission (IATTC) is expected to adopt by consensus a Resolution for *Conservation Measures for Tropical Tunas in the Eastern Pacific Ocean* in October 2021. The Resolution is binding for IATTC member nations, and under the Tuna Conventions Act, 16 U.S.C. 951 *et seq.* NMFS must implement the Resolution domestically. This proposed rule would implement the provisions for tropical tuna for 2022 and beyond. In addition to rolling over measures from the 2021 Resolution, this Resolution may include an increase in purse seine closure days, changes to force majeure provisions, updates to fish aggregating device measures. The Resolution is intended to prevent overfishing of tropical tuna (bigeye, yellowfin, and skipjack) in the eastern Pacific Ocean. The following provisions that would be included in the proposed rule were also in the regulations implemented for 2021. The rule will continue to prohibit purse seine vessels of class sizes 4-6 (carrying capacity greater than 182 mt) from fishing for tropical tuna in the EPO for a period of at least 72 days. The rule would continue to require a closure of the fishery for yellowfin, bigeye, and skipjack tunas by purse-seine vessels within the area of 96W and 110W and between 4° N and 3° S from 0000 hours on 9 October to 2400 hours on 8 November. The rule would carry over all provisions included in the Measures of the Longline Fishery and Other Provisions section of the Resolution. As of August 23, 2021, 17 U.S. purse seine vessels of class size 4-6 are registered to fish in the IATTC Convention Area that would be impacted by these measures. Owners and operators of these vessels are familiar with these measures. In addition to sending professional representatives and lobbyists, many personally attended the June and August IATTC Meetings and were closely involved in briefings and discussions with State Department and NMFS leadership and staff. The action

is necessary for the United States to satisfy its international obligations as a Member of the IATTC. This rule is not expected to trigger either opposition from any sector of the public or congressional interest. This rule absorbs 0648-BK87.

Timetable:

Action	Date	FR Cite
NPRM	06/00/22	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Scott Rumsey, Acting Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone*: 503 872-2791, *Email*: *scott.rumsey@noaa.gov*.

RIN: 0648-BK84

38. • Amendment 122 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area; Pacific Cod Trawl Cooperative Program [0648-BL08]

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: In response to a recommendation by the North Pacific Fishery Management Council, this proposed action would implement Amendment 122 to the Fishery Management Plan (FMP) for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI). If approved by the Secretary of Commerce and implemented by NMFS, the Pacific cod Trawl Cooperative Program (PCTC Program) would allocate quota share (QS) to groundfish License Limitation Program (LLP) license holders based on the harvest of BSAI Pacific cod during qualifying years. This Program would also allocate QS to a processor permit holder based on processing history during the qualifying years. QS allocated under this program would yield an exclusive harvest privilege to members of a PCTC Program cooperative. The Council's intent in recommending Amendment 122 is to improve the prosecution of the fishery by promoting safety and stability in the harvesting and processing sectors, increasing the value of the fishery, minimizing bycatch to the extent practicable, providing for the sustained participation of fishery dependent communities, and ensuring the sustainability and viability of the Pacific cod resource in the BSAI. The Council initiated action on this Limited Access Privilege Program (LAPP) in response to industry requests to address increasing inefficiency in the BSAI Pacific cod

trawl catcher vessel sector by implementing a catch share program. Owners and operators of harvesters and processors that participate in the BSAI Pacific cod trawl fishery would be affected by this action. Section 304(b)(1)(A) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) is the rulemaking authority. Section 303A of the MSA authorizes the creation of LAPPs.

Timetable:

Action	Date	FR Cite
NPRM	06/00/22	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Jon Kurland, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone*: 907 586-7638, *Email*: *jon.kurland@noaa.gov*.

RIN: 0648-BL08

39. • Amendment 123 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area; Halibut Abundance-Based Management of Amendment 80 Prohibited Species Catch Limit [0648-BL42]

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: In response to a recommendation by the North Pacific Fishery Management Council (Council), this proposed action would implement Amendment 123 to the Fishery Management Plan (FMP) for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI). If approved by the Secretary of Commerce and implemented by NMFS, this action would determine the BSAI Amendment 80 commercial groundfish trawl fleet's (A80) halibut prohibited species catch (PSC) limit annually based on the most recent values from surveys conducted by the Alaska Fisheries Science Center and the International Pacific Halibut Commission (IPHC). The Council's intent in recommending Amendment 123 is to link annual halibut PSC limits in the A80 fleet with estimated halibut abundance. The reason for the change being considered is that the current PSC limit, currently set as a fixed annual amount of 1,745 mt, becomes an increasingly larger proportion of total halibut removals in the BSAI when halibut abundance declines. Over the last 6 years, the Council and its advisory bodies, stakeholders, and the public have considered several approaches for a halibut abundance-based management (ABM) program consistent with Council

fishery management objectives and the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Public testimony on this action over the years has focused on two primary concerns. The first is the importance of providing flexibility to the A80 fleet to prosecute their quotas. The second is concern about the decline in the directed halibut fishery catch as a result of a decline in halibut abundance, compounded by fixed PSC limits that further reduce the proportion of halibut available to the directed halibut fisheries.

Timetable:

Action	Date	FR Cite
NPRM	09/00/22	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Jon Kurland, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586-7638, *Email:* jon.kurland@noaa.gov.
RIN: 0648-BL42

40. Amendments to the North Atlantic Right Whale Vessel Strike Reduction Rule [0648-BI88]

Legal Authority: 16 U.S.C. 1361 *et seq.*; 16 U.S.C. 1531 *et seq.*

Abstract: NMFS has completed a review of the North Atlantic right whale vessel speed rule (per 50 CFR 224.105; 78 FR 73726, December 9, 2013). Through this action, NMFS invites comment on the report as well as information that may inform potential revisions to existing management strategies and regulations to further reduce the risk of vessel strikes of North Atlantic right whales.

Timetable:

Action	Date	FR Cite
NPRM	06/00/22	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Kim Damon-Randall, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427-8400, *Email:* kimberly.damon-randall@noaa.gov.
RIN: 0648-BI88

41. Designation of Critical Habitat for Threatened Indo-Pacific Reef-Building Corals [0648-BJ52]

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: On September 10, 2014, NMFS listed 20 species of reef-building corals as threatened under the Endangered Species Act, 15 in the Indo-Pacific and five in the Caribbean. Of the 15 Indo-Pacific species, seven occur in U.S. waters of the Pacific Islands Region, including in American Samoa, Guam, the Commonwealth of the Mariana Islands, and the Pacific Remote Island Areas. This proposed rule would designate critical habitat for the seven species in U.S. waters (*Acropora globiceps*, *Acropora jacquelineae*, *Acropora retusa*, *Acropora speciosa*, *Euphyllia paradivisa*, *Isopora crateriformis*, and *Seriopora aculeata*). A separate proposed rule will designate critical habitat for the listed Caribbean coral species. The proposed designation may cover coral reef habitat around 13 island or atoll units in the Pacific Islands Region, including three in American Samoa, one in Guam, seven in the Commonwealth of the Mariana Islands, and two in Pacific Remote Island Areas, containing essential features that support reproduction, growth, and survival of the listed coral species. NMFS has contacted the Departments of the Navy, Air Force, and Army as well as the U.S. Coast Guard requesting information related to potential national security impacts that may result from the critical habitat designation. Based on information provided, we will determine whether to propose to exclude any areas based on national security impacts.

Timetable:

Action	Date	FR Cite
NPRM	11/27/20	85 FR 76262
NPRM Comment Period End.	01/26/21	
NPRM Comment Period Extended.	12/23/20	85 FR 83899
NPRM Comment Period Extended End.	02/25/21	
Second NPRM Comment Period Extended.	02/09/21	86 FR 8749
Second Extended Comment Period End.	03/27/21	
Third NPRM Comment Period Extended.	03/29/21	86 FR 16325
Third NPRM Comment Period Extended End.	05/26/21	
Second NPRM	06/00/22	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Kim Damon-Randall, Director, Office of Protected Resources,

Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427-8400, *Email:* kimberly.damon-randall@noaa.gov.
RIN: 0648-BJ52

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Final Rule Stage

National Marine Fisheries Service

42. Regulatory Amendment to the Pacific Coast Groundfish Fishery Management Plan To Implement an Electronic Monitoring Program for Bottom Trawl and Non-Whiting Midwater Trawl Vessels [0648-BH70]

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: The proposed action would implement a regulatory amendment to the Pacific Fishery Management Council's Pacific Coast Groundfish Fishery Management Plan to allow bottom trawl and midwater trawl vessels targeting non-whiting species the option to use electronic monitoring (video cameras and associated sensors) in place of observers to meet requirements for 100-percent observer coverage. By allowing vessels the option to use electronic monitoring to meet monitoring requirements, this action is intended to increase operational flexibility and reduce monitoring costs for the fleet.

Timetable:

Action	Date	FR Cite
NPRM	03/01/22	87 FR 11382
NPRM Comment Period End.	03/31/22	
Final Action	06/00/22	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Scott Rumsey, Acting Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 872-2791, *Email:* scott.rumsey@noaa.gov.
RIN: 0648-BH70

43. Magnuson-Stevens Fisheries Conservation and Management Act; Traceability Information Program for Seafood [0648-BH87]

Legal Authority: 16 U.S.C. 1801 *et seq.*; Pub. L. 115-141

Abstract: On December 9, 2016, NMFS issued a final rule that

established a risk-based traceability program to track seafood from harvest to entry into U.S. commerce. The final rule included, for designated priority fish species, import permitting and reporting requirements to provide for traceability of seafood products offered for entry into the U.S. supply chain, and to ensure that these products were lawfully acquired and are properly represented. Shrimp and abalone products were included in the final rule to implement the Seafood Import Monitoring Program, but compliance with Seafood Import Monitoring Program requirements for those species was stayed indefinitely due to the disparity between Federal reporting programs for domestic aquaculture of shrimp and abalone products relative to the requirements that would apply to imports under Seafood Import Monitoring Program. In section 539 of the Consolidated Appropriations Act, 2018, Congress mandated lifting the stay on inclusion of shrimp and abalone in Seafood Import Monitoring Program and authorized the Secretary of Commerce to require comparable reporting and recordkeeping requirements for domestic aquaculture of shrimp and abalone. This rulemaking would establish permitting, reporting and recordkeeping requirements for domestic producers of shrimp and abalone from the point of production to entry into commerce.

Timetable:

Action	Date	FR Cite
NPRM	10/11/18	83 FR 51426
NPRM Comment Period End.	11/26/18	
Final Action	06/00/22	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Alexa Cole, Director, Office of International Affairs and Seafood Inspection, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427-8286, *Email:* alexa.cole@noaa.gov.

RIN: 0648-BH87

44. Atlantic Highly Migratory Species: Amendment 13 on Bluefin Tuna Management [0648-BI08]

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: NOAA/NMFS proposes to revise the management measures for Atlantic bluefin tuna fisheries. Potential management measures could include modifications to pelagic longline and purse seine fisheries as well as other bluefin tuna fisheries, which would

increase flexibility for fishery participants.

Timetable:

Action	Date	FR Cite
NPRM	05/21/21	86 FR 27686
NPRM Comment Period End.	07/20/21	
NPRM Comment Period Extended.	07/20/21	86 FR 38262
NPRM Comment Period Extended End.	09/09/21	
Final Action	06/00/22	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Kelly Denit, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20901, *Phone:* 301 427-8500, *Email:* kelly.denit@noaa.gov.

RIN: 0648-BI08

45. Establish National Insurance Requirements for Observer Providers [0648-BJ33]

Legal Authority: 16 U.S.C. 1855(d)
Abstract: NMFS is proposing to establish uniform, nationally applicable minimum insurance requirements for companies that provide observer or at-sea monitor services for federally managed fisheries subject to monitoring requirements. This action would supersede outdated or inappropriate regulatory insurance requirements thereby easing the regulatory and cost burden for observer/at-sea monitor providers. Additionally, this action would mitigate potential liability risks associated with observer and at-sea monitor deployments for vessel owners and shore side processors that are subject to monitoring requirements.

Timetable:

Action	Date	FR Cite
NPRM	11/22/21	86 FR 66259
NPRM Comment Period End.	01/21/22	
Final Action	06/00/22	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Evan Howell, Director, Office of Science and Technology, National Marine Fisheries Service, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427-8100, *Email:* evan.howell@noaa.gov.

RIN: 0648-BJ33

46. Amendment 23 to the Northeast Multispecies Fishery Management Plan [0648-BK17]

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: This action proposes measures recommended by the New England Fishery Management Council in Amendment 23 to the Northeast Multispecies Fishery Management Plan. The Council developed this action to implement measures to improve the reliability and accountability of catch reporting in the commercial groundfish fishery to ensure there is a precise and accurate representation of catch (landings and discards). The purpose of this action is to adjust the existing industry-funded monitoring program to improve accounting and accuracy of collected catch data. Specifically, this action would set a fixed target coverage rate as a percentage of fishing trips to replace the current annual method for calculating a coverage target. This action would exclude from the monitoring requirement all trips in geographic areas with low groundfish catch; allow for increased coverage when federal funding is available to reimburse industry's costs; set a baseline coverage target for which there is no reimbursement for industry's costs in the absence of federal funding; approve electronic monitoring technologies as an alternative to human at-sea monitors; require periodic evaluation of the monitoring program; allow for waivers from monitoring for good cause; and grant authority to the Northeast Regional Administrator to streamline industry's reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	02/28/22	87 FR 11014
NPRM Comment Period End.	03/30/22	
Final Action	06/00/22	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Michael Pentony, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281-9283, *Email:* michael.pentony@noaa.gov.

RIN: 0648-BK17

47. Amendment 14 to the Fishery Management Plan for the Salmon Fisheries in the EEZ Off Alaska [0648-BK31]

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: This action would modify the Fishery Management Plan for the

Salmon Fisheries in the EEZ off Alaska (FMP) and implement regulations to manage the EEZ waters of Cook Inlet under the FMP and prohibit commercial fishing for salmon in this area. Currently, this area is excluded from the FMP and the State of Alaska manages commercial fishing for salmon in this area. If approved, this action would result in all commercial salmon fishing in Cook Inlet occurring within waters of the State of Alaska under State management plans. The North Pacific Fishery Management Council (Council) determined that this action is consistent with the Council's longstanding policy to facilitate management of salmon fishing by the State of Alaska and that the State is the authority best suited for managing Alaska salmon fisheries given its existing infrastructure and expertise. The Council considered, but did not select, two other action alternatives that would delegate management of the Cook Inlet EEZ to the State of Alaska, or establish Council and NMFS management of the commercial salmon fishery within the area. The Council did not select either of these alternatives because the State of Alaska was unwilling to accept delegation of management authority, and due to the substantial increase in management complexity and cost without corresponding benefits of both alternatives.

Timetable:

Action	Date	FR Cite
NPRM	06/04/21	86 FR 29977
NPRM Comment Period End.	07/06/21	
Final Action	11/03/21	86 FR 60568
Final Action Effective.	12/03/21	
Next Action Undetermined.	06/00/22	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jon Kurland, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586-7638, *Email:* jon.kurland@noaa.gov.
RIN: 0648-BK31

48. • Framework Adjustment 63 to the Northeast Multispecies Fishery Management Plan [0648-BL12]

Legal Authority: 16 U.S.C. 1801 *et seq.*
Abstract: The action would implement management measures included in Framework Adjustment 63 to the Northeast Multispecies Fishery Management Plan (Framework 63) that were developed by the New England

Fishery Management Council in response to new scientific information, pursuant to the rulemaking authorities under section 303(c) of the Magnuson-Stevens Fishery Conservation and Management Act. The action would set annual specifications for fishing years (FY) 2022–2024 for Gulf of Maine cod and Georges Bank (GB) cod, FY2022–2023 for GB yellowtail flounder, and FY2022 for white hake, and specify FY 2022 total allowable catches (TAC) for the three U.S./Canada stocks eastern GB cod, eastern GB haddock, and GB yellowtail flounder. It would also adopt additional measures to promote stock rebuilding; and develop alternatives to the current default specifications system.

Timetable:

Action	Date	FR Cite
NPRM	04/20/22	87 FR 23482
NPRM Comment Period End.	05/05/22	
Final Action	06/00/22	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Pentony, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281-9283, *Email:* michael.pentony@noaa.gov.
RIN: 0648-BL12

49. • Atlantic Highly Migratory Species; Rule To Modify the Retention Limit of Shortfin Mako Sharks [0648-BL17]

Legal Authority: 16 U.S.C. 1801 *et seq.*; 16 U.S.C. 971 *et seq.*

Abstract: Atlantic highly migratory species (HMS) fisheries are managed under the dual authority of the Magnuson-Stevens Conservation and Management Act and the Atlantic Tunas Convention Act (ATCA). This proposed rule would adopt management measures implementing a 2021 International Commission for the Conservation of Atlantic Tunas (ICCAT) recommendation prohibiting retention of North Atlantic shortfin mako sharks caught in association with ICCAT fisheries in 2022. Specifically, this action would propose implementing a flexible shortfin mako shark retention limit with a default of zero in commercial and recreational HMS fisheries. This action is being taken pursuant to the rulemaking authority under the Magnuson-Stevens Fishery Conservation and Management Act, section 305(d), and ATCA.

Timetable:

Action	Date	FR Cite
NPRM	04/11/22	87 FR 21077
NPRM Comment Period End.	05/11/22	
Final Action	06/00/22	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Kelly Denit, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20901, *Phone:* 301 427-8500, *Email:* kelly.denit@noaa.gov.
RIN: 0648-BL17

50. Amendment and Updates to the Pelagic Longline Take Reduction Plan [0648-BF90]

Legal Authority: 16 U.S.C. 1361 *et seq.*

Abstract: Serious injury and mortality of the Western North Atlantic short-finned pilot whale stock incidental to the Category I Atlantic pelagic longline fishery continues at levels exceeding their Potential Biological Removal. This proposed action would examine a number of management measures to amend the Pelagic Longline Take Reduction Plan to reduce the incidental mortality and serious injury of short-finned pilot whales taken in the Atlantic Pelagic Longline fishery to below Potential Biological Removal. Potential management measures may include changes to the current limitations on mainline length, new requirements to use weak hooks (hooks with reduced breaking strength), and non-regulatory measures related to determining the best procedures for safe handling and release of marine mammals. The need for the proposed action is to ensure the Pelagic Longline Take Reduction Plan meets its Marine Mammal Protection Act mandated short- and long-term goals.

Timetable:

Action	Date	FR Cite
NPRM	12/15/20	85 FR 81168
NPRM Comment Period End.	02/16/21	
Final Action	06/00/22	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Kim Damon-Randall, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427-8400, *Email:* kimberly.damon-randall@noaa.gov.
RIN: 0648-BF90

51. Designation of Critical Habitat for the Threatened Caribbean Corals [0648–BG26]

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: NMFS listed 5 Caribbean corals as threatened under the Endangered Species Act on October 10, 2014. Critical habitat shall be designated to the maximum extent prudent and determinable at the time a species is proposed for listing (50 CFR 424.12). We concluded that critical habitat was not determinable for the 5 corals at the time of listing. However, we anticipated that critical habitat would be determinable in the future given on-going research. We, therefore, announced in the final listing rules that we would propose critical habitat in separate rulemakings. This rule proposes to designate critical habitat for the 5 Caribbean coral species listed in 2014. A separate proposed critical habitat rule is being prepared for the 15 Indo-Pacific corals listed as threatened in 2014. The proposed designation for the Caribbean corals may include marine waters in Florida, Puerto Rico, US Virgin Islands, Navassa Island, and Flower Garden Banks containing essential features that support all stages of life history of the corals. The proposed rule is not likely to have an annual effect on the economy of \$100 million or more or adversely affect the economy. NMFS has contacted the Departments of the Navy, Air Force, and Army as well as the U.S. Coast Guard requesting information related to potential national security impacts that may result from the critical habitat designation. Based on information provided, we concluded that there will be an impact on national security in only 1 area offshore Dania Beach, FL, and will propose to exclude it from the designations.

Timetable:

Action	Date	FR Cite
NPRM	11/27/20	85 FR 76302
NPRM Comment Period End.	01/26/21	
Final Rule	06/00/22	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kim Damon-Randall, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, Phone: 301 427–8400, Email: kimberly.damon-randall@noaa.gov.

RIN: 0648–BG26

52. Atlantic Large Whale Take Reduction Plan Modifications To Reduce Serious Injury and Mortality of Large Whales in Commercial Trap/Pot Fisheries Along the U.S. East Coast [0648–BJ09]

Legal Authority: 16 U.S.C. 1387 *et seq.*

Abstract: In response to recent recommendations from the Atlantic Large Whale Take Reduction Team (TRT) to reduce the risk of North Atlantic right whale entanglement in commercial trap/pot fisheries along the U.S. East Coast, the National Marine Fisheries Service (NMFS) intends to propose regulations to amend the Atlantic Large Whale Take Reduction Plan (Plan).

Timetable:

Action	Date	FR Cite
NPRM	12/31/20	85 FR 86878
NPRM Comment Period End.	03/01/21	
Final Action	09/17/21	86 FR 51970
Final Action Effective.	10/18/21	
Correction	06/00/22	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kim Damon-Randall, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, Phone: 301 427–8400, Email: kimberly.damon-randall@noaa.gov.

RIN: 0648–BJ09

53. Establishment of Time-Area Closures for Hawaiian Spinner Dolphins Under the Marine Mammal Protection Act [0648–BK04]

Legal Authority: 16 U.S.C. 1382 *et seq.*

Abstract: This rulemaking action under the Marine Mammal Protection Act (MMPA) proposes to establish mandatory time-area closures of Hawaiian spinner dolphins' essential daytime habitats at five selected sites in the Main Hawaiian Islands (MHI). In considering public comments in response to a separate proposed rule related to spinner dolphin interactions (81 FR 57854), NMFS intends these regulatory measures to prevent take of Hawaiian spinner dolphins from occurring in inshore marine areas at essential daytime habitats, and where high levels of disturbance from human activities are most prevalent.

Timetable:

Action	Date	FR Cite
NPRM	09/28/21	86 FR 53844

Action	Date	FR Cite
NPRM Comment Period End.	12/27/21	
Final Action	06/00/22	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Kim Damon-Randall, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, Phone: 301 427–8400, Email: kimberly.damon-randall@noaa.gov.

RIN: 0648–BK04

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Long-Term Actions

National Marine Fisheries Service

54. International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Treatment of U.S. Purse Seine Fishing With Respect to U.S. Territories [0648–BF41]

Legal Authority: 16 U.S.C. 6901 *et seq.*

Abstract: This action would establish rules and/or procedures to address the treatment of U.S.-flagged purse seine vessels and their fishing activities in regulations issued by the National Marine Fisheries Service that implement decisions of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Commission), of which the United States is a member. Under the Western and Central Pacific Fisheries Convention Implementation Act, the National Marine Fisheries Service exercises broad discretion when determining how it implements Commission decisions, such as purse seine fishing restrictions. The National Marine Fisheries Service intends to examine the potential impacts of the domestic implementation of Commission decisions, such as purse seine fishing restrictions, on the economies of the U.S. territories that participate in the Commission, and examine the connectivity between the activities of U.S.-flagged purse seine fishing vessels and the economies of the territories. Based on that and other information, the National Marine Fisheries Service might propose regulations that mitigate adverse economic impacts of purse seine fishing restrictions on the U.S. territories and/or that, in the context of the Convention

on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention), recognize that one or more of the U.S. territories have their own purse seine fisheries that are distinct from the purse seine fishery of the United States and that are consequently subject to special provisions of the Convention and of Commission decisions.

Timetable:

Action	Date	FR Cite
ANPRM	10/23/15	80 FR 64382
ANPRM Comment Period End.	11/23/15	
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Tosatto, Phone: 808 725-5000, Email: michael.tosatto@noaa.gov.

RIN: 0648-BF41

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Completed Actions

55. Implementation of a Program for Transshipments by Large Scale Fishing Vessels in the Eastern Pacific Ocean [0648-BD59]

Legal Authority: 16 U.S.C. 951 *et seq.*; 16 U.S.C. 971 *et seq.*

Abstract: This rule would implement the Inter-American Tropical Tuna Commission program to monitor transshipments by large-scale tuna fishing vessels, and would govern transshipments by U.S. large-scale tuna fishing vessels and carrier, or receiving, vessels. The rule would establish: criteria for transshipping in port; criteria for transshipping at sea by longline vessels to an authorized carrier vessel with an Inter-American Tropical Tuna Commission observer onboard and an operational vessel monitoring system; and require the Pacific Transshipment Declaration Form, which must be used to report transshipments in the Inter-American Tropical Tuna Commission Convention Area. This rule is necessary for the United States to satisfy its international obligations under the 1949 Convention for the Establishment of an Inter-American Tropical Tuna, to which it is a Contracting Party.

Timetable:

Action	Date	FR Cite
Withdrawn	04/25/22	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Scott Rumsey, Acting Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, Phone: 503 872-2791, Email: scott.rumsey@noaa.gov.

RIN: 0648-BD59

56. Generic Amendment to the Fishery Management Plans for the Reef Fish Resources of the Gulf of Mexico and Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region [0648-BH72]

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: This action, recommended by the Gulf of Mexico Fishery Management Council, would modify data reporting for owners or operators of federally permitted for-hire vessels (charter vessels and headboats) in the Gulf of Mexico, requiring them to declare the type of trip (for-hire or other) prior to departing for any trip, and electronically submit trip-level reports prior to off-loading fish at the end of each fishing trip. The declaration would include the expected return time and landing location. Landing reports would include information about catch and effort during the trip. The action would also require that these reports be submitted via approved hardware that includes a global positioning system attached to the vessel that is capable, at a minimum, of archiving global positioning system locations. This requirement would not preclude the use of global positioning system devices that provide real-time location data, such as the currently approved vessel monitoring systems.

Timetable:

Action	Date	FR Cite
Notice of Availability.	06/21/18	83 FR 28797
NPRM	10/26/18	83 FR 54069
Correction	11/08/18	83 FR 55850
Comment Period Extended.	11/20/18	83 FR 58522
NPRM Comment Period End.	11/26/18	
Comment Period Extended End.	01/09/19	
Final Rule	07/21/20	85 FR 44005
Final Rule Effective.	01/05/21	

Action	Date	FR Cite
Final Action; Announcement of Effectiveness for Delayed Provisions.	09/14/21	86 FR 51014
Delay of Effective Date.	11/02/21	86 FR 60374
Delay of Effective Date Effective.	12/13/21	
Final Action Effective.	03/01/22	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Andrew J. Strelcheck, Acting Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, Phone: 727 824-5305, Email: andy.strelcheck@noaa.gov.

RIN: 0648-BH72

57. Bluefish Allocation and Rebuilding Amendment (Amendment 7 to the Bluefish Fishery Management Plan) [0648-BK64]

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: The Mid-Atlantic Fishery Management Council and Atlantic States Marine Fisheries Commission initiated this amendment in December 2018 to consider a comprehensive revision to the Atlantic bluefish fishery management plan (FMP); including a review of quota allocation between sectors and between states, as well as a review of the FMP goals and objectives. In August 2019, an operational stock assessment determined that the bluefish stock is overfished, and requires a rebuilding plan. NMFS notified the Council in November 2019, and the Council and the Commission's Bluefish Board voted to include the rebuilding plan in this comprehensive amendment. The intent of this action is to update the bluefish FMP with the best scientific data available, responding to recent changes in stock health and distribution, while recognizing economic need and reliance throughout the management area. The Council and Board made final recommendations on proposed measures at the joint meeting in June 2021, with the goal of implementing this action by November 2021, consistent with rebuilding plan provisions of the Magnuson-Stevens Fishery Conservation and Management Act, and to be effective for the January 1 start of the 2022 fishing year. The amendment proposes to: (1) Update the Bluefish FMP goals and objectives; (2) Re-allocate quota between sectors from 83% recreational/17% commercial to

86% recreational/14% commercial with no phase-in period; (3) Re-allocate commercial quota to the states based on the last 10 years of landings data with a 0.1% minimum default allocation and a phase-in period of 7 years; (4) Implement a 7-year rebuilding plan using a constant fishing mortality model; (5) Allow the sector quota transfer move either direction (from commercial to recreational or vice versa), with a revised amount cap of 10% of the acceptable biological catch for the year; and (6) Allow for management uncertainty and related accountability measure process to be applied to the commercial and recreational sectors separately during the catch specifications process. This action would affect vessels issued federal commercial bluefish permits, and those with federal party/charter recreational permits for bluefish. While this action may have some impact on these entities, the effect is not expected to be significant.

Timetable:

Action	Date	FR Cite
NPRM	09/13/21	86 FR 50866
NPRM Comment Period End.	10/13/21	
Final Action	11/24/21	86 FR 66977
Final Action Effective.	01/01/22	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Michael Pentony, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281-9283, *Email:* michael.pentony@noaa.gov.

RIN: 0648-BK64

58. Silky Shark Regulations in the Eastern Pacific Ocean in 2022 and Beyond [0648-BK87]

Legal Authority: 16 U.S.C. 951 *et seq.*

Abstract: Merged with 0648-BK84.

The National Marine Fisheries Service (NMFS) intends to maintain existing regulations on silky shark for 2022 and beyond, implemented under the Inter-American Tropical Tuna Commission (IATTC) Resolution on silky shark, under the authority of the Tuna Conventions Act. The IATTC Resolution on silky shark is expected to be adopted at the October 2021 session of the 98th Meeting of the IATTC. This proposed rule would maintain existing domestic implementing regulations pertaining to the prohibition on retention, transshipment, storing, and landing any part or whole carcass of silky shark on

U.S. purse seine and longline vessels, as well as the specified exceptions to this prohibition for purse seine vessels. These existing regulations in the proposed rule would apply to United States purse seine and longline vessels authorized to fish in the eastern Pacific Ocean, and would not impose additional burden. These regulations on silky shark have not been and are not expected to be opposed by domestic commercial fishing interests. The action is necessary for the United States to satisfy its international obligations as a Member of the IATTC. This rule is not expected to trigger either opposition from any sector of the public or congressional interest.

Timetable:

Action	Date	FR Cite
Merged With 0648-BK84.	02/16/22	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Scott Rumsey, Acting Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 872-2791, *Email:* scott.rumsey@noaa.gov.

RIN: 0648-BK87

59. International Fisheries; Pacific Tuna Fisheries; Purse Seine Observer Exemptions in the Eastern Pacific Ocean [0648-BK88]

Legal Authority: 16 U.S.C. 951; 16 U.S.C. 952; 16 U.S.C. 953; 16 U.S.C. 954; 16 U.S.C. 955; 16 U.S.C. 956; 16 U.S.C. 957; 16 U.S.C. 958; 16 U.S.C. 959; 16 U.S.C. 960; 16 U.S.C. 961; 16 U.S.C. 962

Abstract: On March 27, 2020, NMFS published a temporary rule for an emergency action in response to the COVID-19 Pandemic (85 FR 17285), that provides the authority to waive observer coverage requirements implemented under certain statutes, including the Marine Mammal Protection Act and Tuna Conventions Act. That temporary rule was extended and is currently in effect until March 26, 2022 (86 FR 16307), or until the Secretary of Health and Human Services determines that the COVID-19 Pandemic is no longer a public health emergency, whichever is earlier. Pursuant to the emergency rule, and in accordance with exemption procedures adopted by the Inter-American Tropical Tuna Commission (IATTC), NMFS WCR established procedures, subject to revocation or extension as circumstances warrant, for issuing

temporary exemptions on an individual basis to the observer requirements under 50 CFR 216.24(e) and 50 CFR 300.25(e)(4)(iv). With travel restrictions continuing to be enforced at American Samoa and other port states where observers embark on United States flagged purse seine vessels, placement of observers is not always possible. If the temporary rule expires in March 2022, and is not renewed, NMFS will no longer possess the emergency authority to issue observer waivers in these cases. With the potential for travel restrictions that prevent the placement of observers continuing beyond March 2022, NMFS is proposing to implement an emergency waiver provision to allow NMFS to issue temporary written waivers from the observer requirements, on a case-by-case basis, in accordance with IATTC exemption procedures. NMFS is undertaking this action under the authority of the Tuna Conventions Act and the Marine Mammal Protection Act to satisfy the obligations of the United States as a Member of the IATTC. This rule is not expected to trigger either opposition from any sector of the public or congressional interest.

Timetable:

Action	Date	FR Cite
NPRM	02/04/22	87 FR 6474
NPRM Comment Period End.	03/07/22	
Final Action	03/25/22	87 FR 17018
Final Action Effective.	03/25/22	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Scott Rumsey, Acting Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 872-2791, *Email:* scott.rumsey@noaa.gov.

RIN: 0648-BK88

60. • Atlantic Highly Migratory Species; Rule To Modify Atlantic Bluefin Tuna and North Atlantic Albacore Quotas [0648-BL16]

Legal Authority: 16 U.S.C. 1801 *et seq.*; 16 U.S.C. 971 *et seq.*

Abstract: Atlantic highly migratory species (HMS) fisheries are managed under the dual authority of the Magnuson-Stevens Conservation and Management Act and the Atlantic Tunas Convention Act (ATCA). This proposed rule would modify the baseline annual Atlantic bluefin tuna quota and subquotas, as well as the baseline annual North Atlantic albacore (northern albacore) quota. This

proposed rule would implement the annual U.S. bluefin tuna quota recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) for 2022 (Recommendation 21–07) and the northern albacore quota recommended by ICCAT for 2022 and 2023 (Recommendation 21–04). This proposed rule would also allocate the bluefin tuna quota among the domestic fishing categories consistent with existing regulations. This proposed rule is being taken pursuant to the rulemaking authority under the Magnuson-Stevens Fishery Conservation and Management Act, section 305(d), and ATCA.

Timetable:

Action	Date	FR Cite
NPRM	03/07/22	87 FR 12648
NPRM Comment Period End.	04/06/22	
Final Action	06/01/22	87 FR 33049
Final Action Effective.	07/01/22	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Kelly Denit, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20901, *Phone:* 301 427–8500, *Email:* kelly.denit@noaa.gov, *RIN:* 0648–BL16

61. • Rulemaking To Modify the 2022 Halibut Individual Fishing Quota (IFQ) Vessel Harvest Limitations in IFQ Regulatory Areas 4A, 4B, 4C, and 4D [0648–BL28]

Legal Authority: 16 U.S.C. 773

Abstract: Commercial halibut fishing off the coast of Alaska is managed under an Individual Fishing Quota (IFQ) program implemented by Federal regulations under the authority of the Northern Pacific Halibut Act of 1982. One feature of the IFQ program is a limit on the maximum amount of halibut that may be harvested by a vessel (referred to as vessel caps). Regulations at 50 CFR 679.42(h)(1) specify that no vessel may be used to harvest more IFQ halibut than one-half percent of the combined total catch limits of halibut for IFQ regulatory areas during a fishing year. Additionally, the regulations specify vessel caps for Community Quota Entities (CQEs) in Alaska IFQ regulatory areas, stating no vessel may be used, during any fishing year, to harvest more than 50,000 lb (22.7 mt) of IFQ halibut derived from quota shares held by a CQE. On February 10, 2022, the North

Pacific Fishery Management Council (Council) addressed the effects of the coronavirus pandemic on the Pacific halibut fishery by recommending expedited action to temporarily remove IFQ halibut vessel caps for the 2022 fishing year in IFQ regulatory areas 4A (Eastern Aleutian Islands), 4B (Central and Western Aleutian Islands), 4C (Central Bering Sea), and 4D (Eastern Bering Sea). This action would revise 50 CFR 679.42(h)(1) to remove vessels caps in those four areas for the 2022 fishing year only. Halibut IFQ holders with QS in those four areas would be affected by this action, as well as CQEs in area 4B. This action would not modify any other aspects of the IFQ Program. NMFS seeks to publish the Proposed and Final rules to implement the revised regulations as soon as practicable, with a shortened public comment period. Section 773(c) of the Northern Pacific Halibut Act is the rulemaking authority.

Timetable:

Action	Date	FR Cite
NPRM	04/19/22	87 FR 23155
NPRM Comment Period End.	05/04/22	
Final Action	06/06/22	87 FR 34215
Final Action Effective.	06/06/22	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Doug Mecum, Acting Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, 709 W 9th Street, Rm. 420, Juneau, AK 99802, *Phone:* 907 586–7221.

RIN: 0648–BL28

62. Designation of Critical Habitat for the Arctic Ringed Seal [0648–BC56]

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: The National Marine Fisheries Service published a final rule to list the Arctic ringed seal as a threatened species under the Endangered Species Act (ESA) in December 2012. The ESA requires designation of critical habitat at the time a species is listed as threatened or endangered, or within one year of listing if critical habitat is not then determinable. This rulemaking would designate critical habitat for the Arctic ringed seal. The critical habitat designation would be in the northern Bering, Chukchi, and Beaufort seas within the current range of the species.

Timetable:

Action	Date	FR Cite
NPRM	12/03/14	79 FR 71714

Action	Date	FR Cite
Proposed Rule	12/09/14	79 FR 73010
Notice of Public Hearings.	01/13/15	80 FR 1618
Comment Period Extended.	02/02/15	80 FR 5498
Proposed Rule 2	01/08/21	86 FR 1452
Proposed Rule 2 Comment Period End.	03/09/21	
Public Hearing	02/01/21	86 FR 7686
Public Hearing Comment Period End.	03/09/21	
Comment Period Extended 2.	03/09/21	86 FR 13517
Comment Period Extended 2 End.	04/08/21	
Final Action	04/01/22	87 FR 19232
Final Action Effective.	05/02/22	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Kim Damon-Randall, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8400, *Email:* kimberly.damon-randall@noaa.gov, *RIN:* 0648–BC56

63. Designation of Critical Habitat for the Beringia Distinct Population Segment of the Bearded Seal [0648–BJ65]

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: NMFS published a final rule to list the Beringia Distinct Population Segment (DPS) of bearded seals as a threatened species under the Endangered Species Act (ESA) in December 2012, thereby triggering the requirement under section 4 of the ESA to designate critical habitat for the Beringia DPS to the maximum extent prudent and determinable. NMFS has already initiated rulemaking to establish critical habitat for Arctic ringed seals, which were also listed as threatened under the ESA in December 2012, and that action is proceeding separately. This rulemaking action proposes to designate critical habitat in areas occupied by bearded seals in U.S. waters over the continental shelf in the northern Bering, Chukchi, and Beaufort Seas. Impacts from the designation of critical habitat for Beringia DPS bearded seals would stem from the statutory requirement that Federal agencies consult with NMFS under section 7 of the ESA to ensure that any action they carry out, authorize, or fund is not likely to result in the destruction or adverse modification of bearded seal critical habitat. Federal agencies are already required to consult with NMFS under

section 7 of the ESA to ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of the Beringia DPS of bearded seals.

Timetable:

Action	Date	FR Cite
NPRM	01/08/21	86 FR 1433
NPRM Comment Period End.	03/09/21	
Public Hearing	02/01/21	86 FR 7686
Public Hearing Comment Period End.	03/09/21	
Comment Period Extended.	03/09/21	86 FR 13518
Comment Period Extended End.	04/08/21	
Final Action	04/01/22	87 FR 19180
Final Action Effective.	05/02/22	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kim Damon-Randall, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427-8400, *Email:* kimberly.damon-randall@noaa.gov. *RIN:* 0648-BJ65

64. Monterey Bay National Marine Sanctuary Regulations and Management Plan [0648-BI01]

Legal Authority: 16 U.S.C. 1431 *et seq.*
Abstract: The National Oceanic and Atmospheric Administration (NOAA) is proposing a draft revised management plan and revised regulations for the Monterey Bay National Marine Sanctuary (MBNMS or Sanctuary). The proposed regulations would revise and provide greater clarity to existing

regulations, and make minor technical corrections.

Timetable:

Action	Date	FR Cite
NPRM	07/06/20	85 FR 40143
NPRM Comment Period End.	09/04/20	
Final Rule	11/15/21	86 FR 62901
Final Rule Effective.	12/15/21	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jessica Kondel, Policy and Planning Division Chief, Department of Commerce, National Oceanic and Atmospheric Administration, 1305 East West Highway, Building SSMC4, Silver Spring, MD 20910, *Phone:* 240 676-4646.

RIN: 0648-BI01

DEPARTMENT OF COMMERCE (DOC)

Patent and Trademark Office (PTO)

Final Rule Stage

65. Changes To Implement Provisions of the Trademark Modernization Act of 2020 [0651-AD55]

Legal Authority: 15 U.S.C. 1066; 15 U.S.C. 1067; 15 U.S.C. 1113; 15 U.S.C. 1123; 35 U.S.C. 2; Pub. L. 112-29; Pub. L. 116-260

Abstract: The United States Patent and Trademark Office (USPTO or Office) amends the rules of practice in trademark cases to implement provisions of the Trademark Modernization Act of 2020. The rule establishes ex parte expungement and reexamination proceedings for cancellation of a registration when the

required use in commerce of the registered mark has not been made; provides for a new nonuse ground for cancellation before the Trademark Trial and Appeal Board; establishes flexible Office action response periods; and amends the existing letter-of-protest rule to indicate that letter-of-protest determinations are final and non-reviewable. The USPTO also sets fees for petitions requesting institution of ex parte expungement and reexamination proceedings, and for requests to extend Office action response deadlines. Amendments are also for the rules concerning the suspension of USPTO proceedings and the rules governing attorney recognition in trademark matters. Finally, a new rule is to address procedures regarding court orders cancelling or affecting registrations.

Timetable:

Action	Date	FR Cite
NPRM	05/18/21	86 FR 26862
NPRM Comment Period End.	07/19/21	
Final Action	11/17/21	86 FR 64300
Final Action Effective.	12/18/21	
Final Action	08/00/22	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Catherine Cain, Trademark Manual of Examining Procedure Editor, Department of Commerce, Patent and Trademark Office, P.O. Box 1451, Alexandria, VA 22313, *Phone:* 571 272-8946, *Fax:* 751 273-8946, *Email:* catherine.cain@uspto.gov.

RIN: 0651-AD55

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